

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEONIS FRANKLIN,

Plaintiff,

-v-

FUJITEC SERGE OF NY and "JOHN DOE"
A FICTITIOUS NAME FOR A FOREMAN
EMPLOYED BY FUJITEC SERGE OF NY

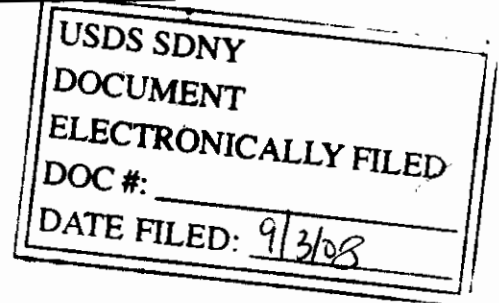
Defendants.

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RICHARD J. SULLIVAN, District Judge:

Docket Do.: 07 cv 8590

(RS/DF)
(RJS)

AMENDED
CASE MANAGEMENT PLAN
AND SCHEDULING ORDER



At the conference before the Court held on February 1, 2008, this Case

Management Plan and Scheduling Order was adopted in accordance with Rules 16-26(f)
of the Federal Rules of Civil Procedure.

1. All parties do not consent to trial by Magistrate Judge, pursuant to 28 U.S.C § 636 (c).
2. This case is to be tried to a jury.
3. No additional parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. All *fact* discovery is to be completed no later than November 30, 2008.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties consent without application of the Court, provided the parties meet the fact discovery completion date in paragraph 5 above:
 - a. Requests for production of documents to be served by September 30, 2008.
 - b. Interrogatories to be served 14 days after depositions of the parties.

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- c. Depositions to be completed by October 31, 2008.
 - i. Unless the parties agree or the Court so orders, deposition are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
- d. Requests to Admit to be served no later than 14 days after depositions of the parties.
- 7. All experts disclosures, including reports, production of underlying documents and depositions are to be completed by:
 - a. Expert(s) of Plaintiff by December 1, 2008 (plaintiff will submit narrative report of his medical expert prior to submitting to a physical examination by a physician designated for that purpose by defendant);
 - b. Expert(s) of Defendant(s) by December 31, 2008
- 8. All discovery is to be completed no later than November 30, 2008.
- 9. The Court will schedule a post-discovery status conference (see ¶ 15) within three weeks of the close of all discovery.
- 10. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed ¶15.
Pre motion letter to be filed not later than December 5, 2008.
- 11. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre motion letter.
Response to be filed not later than December 10, 2008.
- 12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the

parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District Mediation Program and request: [check one]

a. _____ Referral to a Magistrate Judge for settlement discussions

b. x Referral to the Southern District's Mediation Program. The parties agree to meet with the mediator assigned to this case on or before November 30, 2008.

13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.
14. Parties have conferred and their present best estimate of the length of trial is 3 days.

TO BE COMPLETED BY THE COURT:

15. [Other directions to the parties:]

16. The post-discovery status conference is scheduled for December 16, 2008 @ 9:15AM.

SO ORDERED: 

DATED: New York, New York

Sept. 2, 2008
HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE